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# HOUSE BILL No. 1029

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-7-2; IC 12-10-18.

**Synopsis:** Endangered adult alerts. Defines "rescue services provider" and specifies that reports of missing endangered adults may be given to rescue services providers. Establishes the duties of rescue services providers upon receipt of a report of a missing endangered adult.

**Effective:** July 1, 2009.

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January 7, 2009, read first time and referred to Committee on Veterans Affairs and Public Safety.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## HOUSE BILL No. 1029

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 12-7-2-131.3, AS ADDED BY P.L.140-2005,  
2       SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2009]: Sec 131.3. "Missing endangered adult", for purposes  
4       of IC 12-10-18, means an individual at least eighteen (18) years of age  
5       who is reported missing to a law enforcement agency **or rescue**  
6       **services provider** and is, or is believed to be:

- 7       (1) a temporary or permanent resident of Indiana;  
8       (2) at a location that cannot be determined by an individual  
9       familiar with the missing individual; and  
10       (3) incapable of returning to the missing individual's residence  
11       without assistance by reason of:  
12       (A) mental illness;  
13       (B) mental retardation;  
14       (C) dementia; or  
15       (D) another physical or mental incapacity of managing or  
16       directing the management of the individual's property or  
17       providing or directing the provision of self-care.

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SECTION 2. IC 12-7-2-163.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 163.7. "Rescue services provider", for purposes of IC 12-10-18, means a firefighter, a paramedic, an emergency medical technician, a physician licensed under IC 25-22.5, a nurse licensed under IC 25-23, or other person who provides emergency medical services in the course of the person's employment. The term includes a member of a rescue squad.**

SECTION 3. IC 12-7-2-174.8, AS ADDED BY P.L.140-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 174.8. "Endangered adult medical alert" means an alert indicating that law enforcement officials or rescue services providers are searching for a missing endangered adult.**

SECTION 4. IC 12-10-18-1, AS ADDED BY P.L.140-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1. (a) A law enforcement agency or rescue services provider that receives a notification concerning a missing endangered adult from:**

(1) the missing endangered adult's:

- (A) guardian;
- (B) custodian; or
- (C) guardian ad litem; or

(2) an individual who:

- (A) provides the missing endangered adult with home health aid services;
- (B) possesses a health care power of attorney for the missing endangered adult; or
- (C) has evidence that the missing endangered adult has a condition that may prevent the missing endangered adult from returning home without assistance;

shall prepare an investigative report on the missing endangered adult, if, based on the notification, the law enforcement agency **or rescue services provider** has reason to believe that an endangered adult is missing.

(b) The investigative report described in subsection (a) may include the following:

- (1) Relevant information obtained from the notification concerning the missing endangered adult, including the following:
  - (A) A physical description of the missing endangered adult.
  - (B) The date, time, and place that the missing endangered adult was last seen.

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- 1 (C) The missing endangered adult's address.
- 2 (2) Information gathered by a preliminary investigation, if one
- 3 was made.
- 4 (3) A statement by the law enforcement officer in charge **or**
- 5 **rescue services provider** setting forth that officer's **or provider's**
- 6 assessment of the case based upon the evidence and information
- 7 received.

8 SECTION 5. IC 12-10-18-2, AS ADDED BY P.L.140-2005,  
 9 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2009]: Sec. 2. The law enforcement agency **or rescue**  
 11 **services provider** shall prepare the investigative report described by  
 12 section 1 of this chapter as soon as practicable, and if possible not later  
 13 than five (5) hours after the law enforcement agency **or rescue services**  
 14 **provider** receives notification of a missing endangered adult.

15 SECTION 6. IC 12-10-18-3, AS ADDED BY P.L.140-2005,  
 16 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2009]: Sec. 3. (a) Upon completion of the report described by  
 18 section 1 of this chapter, if the law enforcement agency **or rescue**  
 19 **services provider** has reason to believe that public notification may  
 20 assist in locating the missing endangered adult, the law enforcement  
 21 agency **or rescue services provider** may immediately forward the  
 22 contents of the report to:

- 23 (1) all law enforcement agencies **and rescue services providers**
- 24 that have jurisdiction **or operate** in the location where the
- 25 missing endangered adult lives and all law enforcement agencies
- 26 **or rescue services providers** that have jurisdiction **or operate** in
- 27 the location where the missing endangered adult was last seen;
- 28 (2) all law enforcement agencies **or rescue services providers** to
- 29 which the person who made the notification concerning the
- 30 missing endangered adult requests the report be sent, if the law
- 31 enforcement agency **or rescue services provider** determines that
- 32 the request is reasonable in light of the information received;
- 33 (3) all law enforcement agencies **or rescue services providers**
- 34 that request a copy of the report;
- 35 (4) one (1) or more broadcasters that broadcast in an area where
- 36 the missing endangered adult may be located;
- 37 (5) the Indiana data and communication system (IDACS); and
- 38 (6) the National Crime Information Center's Missing Person File,
- 39 if appropriate.

40 (b) Upon completion of the report described by section 1 of this  
 41 chapter, a law enforcement agency **or rescue services provider** may  
 42 forward a copy of the contents of the report to one (1) or more

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newspapers distributed in an area where the missing endangered adult may be located.

(c) After forwarding the contents of the report to a broadcaster or newspaper under this section, the law enforcement agency **or rescue services provider** may request that the broadcaster or newspaper:

(1) notify the public that there is an endangered adult medical alert; and

(2) broadcast or publish:

(A) a description of the missing endangered adult; and

(B) any other relevant information that would assist in locating the missing endangered adult.

(d) A broadcaster or newspaper that receives a request concerning a missing endangered adult under subsection (c) may, at the discretion of the broadcaster or newspaper:

(1) notify the public that there is an endangered adult medical alert; and

(2) broadcast or publish:

(A) a description of the missing endangered adult; and

(B) any other relevant information that would assist in locating the missing endangered adult.

SECTION 7. IC 12-10-18-4, AS ADDED BY P.L.140-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. A law enforcement agency **or rescue services provider** may begin an investigation concerning a missing endangered adult as soon as possible after receiving notification of the missing endangered adult.

SECTION 8. IC 12-10-18-5, AS ADDED BY P.L.140-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. An individual described in section 1(a)(1) or 1(a)(2) of this chapter who notifies a law enforcement agency **or rescue services provider** concerning a missing endangered adult shall notify the law enforcement agency **or rescue services provider** when the missing endangered adult is found.

SECTION 9. IC 12-10-18-6, AS ADDED BY P.L.140-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) A broadcaster or newspaper that receives a report of a missing endangered adult from a law enforcement agency **or rescue services provider** under section 3 of this chapter is immune from civil liability for an act or omission related to:

(1) the broadcast or publication of information contained in the report, including:

(A) a description of the missing endangered adult; and

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- 1 (B) any other relevant information that would assist in locating
- 2 the missing endangered adult; or
- 3 (2) the decision of the broadcaster or newspaper not to broadcast
- 4 or publish information contained in the report.
- 5 (b) The civil immunity described in subsection (a) does not apply to
- 6 an act or omission that constitutes gross negligence or willful, wanton,
- 7 or intentional misconduct.

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